

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PILKINGTON NORTH AMERICA, INC. :  
Plaintiff, : ORDER  
: 18 Civ. 8152 (JFK) (GWG)  
-v.- :  
MITSUI SUMITOMO INSURANCE :  
COMPANY OF AMERICA, et al., :  
Defendants. :  
-----X

GABRIEL W. GORENSTEIN, United States Magistrate Judge

The Court normally considers motions regarding attorney work product by means of formal briefing in order to allow the presentation of factual material to the Court (particularly where disputed) in admissible form. The Court has not conducted a thorough review of the parties' letters (## 286, 290, 291) but wishes to give both sides the opportunity to brief the application formally if either side wishes to do so. Or, given that defendants bear the burden of proving work product protection, to allow Docket # 286 to function as the initial "brief" on the question and to have formal briefing for opposition papers and a reply. The parties are directed to discuss this issue and to make either a joint or separate proposals (preferably by noon on Friday) as to how they wish to proceed (and with a proposed schedule if appropriate). If either side does not wish to have the issue decided at the conference on February 14, 2022, the conference would be cancelled. If they wish to go forward on the current record, the conference will take place as scheduled.

SO ORDERED.

Dated: February 10, 2022  
New York, New York

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge